

REMARKS

In response to the Species Requirement, Applicants confirm election of species a (FIG. 3), which is directed to claims 1 and 7-9, as was discussed during the March 22, 2004 interview with the Examiner.

Claims 1-9 were pending, claims 2-6 being provisionally withdrawn from consideration. By this Amendment, claims 2-6 are withdrawn, claims 1 and 7 are amended, and claims 8 and 9 are canceled. Reconsideration and allowance of the pending claims 1 and 7 are respectfully solicited in view of this amendment and the following remarks.

Claims 7-9 were rejected under 35 U.S.C. § 102(e) as being anticipated by Ueda (U.S. Pat. No. 6,314,064). Applicants traverse this rejection as applied to amended claim 7, which has been amended to incorporate the subject matter of claims 8 and 9. Claim 7 is also amended to recite that in step 3, “when the optical system suitable for the recording/reproduction process of the optical disk is the first optical system,” the step is performed “without detecting a surface run-out of the optical disk from the reflected light of the light beam.” The run-out detection step is not required when the first optical system is used because the relatively low-NA lens because there is little chance that the relatively longer focus length lens will collide with the optical disk. In contrast, Ueda simply discloses that a second low-NA optical system 12 “operates as a gap-detecting optical system for detecting the separation between” an optical disk and a high-NA lens unit 22 (*see* Ueda, col. 9, lines 51-60). However, Ueda does not disclose or suggest, in combination with other recitations, omitting a run-out detection step if a relatively low-NA lens is used. Applicants therefore respectfully request the withdrawal of the anticipation rejection of claim 7.

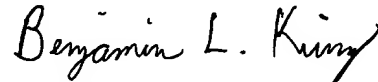
Claim 1 was rejected under 35 U.S.C. § 103(a) as being obvious over Ueda in view of Okada (U.S. Pat. No. 6,400,663). Applicants traverse this rejection as applied to amended claim 1. Amended claim 1 recites, among other recitations, “optical disk process means for ... processing the optical disk, when the optical system suitable for the recording/reproduction process of the optical disk is the first optical system... without detecting a surface run-out of the optical disk from the reflected light of the light beam.” As discussed above, Ueda fails to disclose or suggest this recitation in combination with the other recitations of amended claim 1. Okada does not itself or in combination with Ueda cure this deficiency because Okada merely describes a method and apparatus with a single lens by which a stable focus pull-in may be established. Applicants therefore respectfully request the withdrawal of the obviousness rejection of claim 1.

In view of this amendment and the above remarks, Applicants believe that the present application is in condition for allowance, a notice of which is earnestly solicited.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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A handwritten signature in cursive script that reads "Benjamin L. Kiersz".

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